

# **New Hampshire RSAs related to parking and enforcement are included below along with links to the RSA on the General Court website**

## **Content on this page:**

### Definitions

[Walking Disability](#)

[Access Aisle](#)

### Certificates of Title and Registration of Vehicles

[Special Number Plates for Certain Veterans](#)

[Walking Disability Plates and Placards](#)

### Municipal Permits for Registration

[Exemption of Amputee and Other Disabled Veterans](#)

### Rules of the Road

[Approaching a Hearing Ear Dog](#)

[Stopping, Standing or Parking Prohibited in Specified Places](#)

[Enforcement of Parking Prohibition in Parking Spaces and Access Aisles](#)

[Designated for Persons With a Walking Disability](#)

[Local Ordinances not Superseded](#)

[Additional Parking Regulations](#)

[Unattended Vehicle](#)

[Free Parking for Disabled and for Official Purposes](#)

[Parking Signs; Disabled](#)

[Parking Privileges for Persons With Walking Disability](#)

[Obstruction of Parking Place for Persons With Walking Disability](#)

### Equipment of Vehicles

[Equipment Waiver for Disabled](#)

### Public Parking Facilities

[Definitions](#)

[Notification of Unpaid Fines](#)

### Parking Meters

[Parking Enforcement Provisions](#)

### Powers of City Councils

[Bylaws and Ordinances – Automobile Parking Controls](#)

## **TITLE XXI - MOTOR VEHICLES**

NH RSAs relevant to registration plates, parking, and parking spaces reserved for individuals with walking disabilities, including veterans.

## **CHAPTER 259 - WORDS AND PHRASES DEFINED**

**Section 259:124** <http://www.gencourt.state.nh.us/rsa/html/XXI/259/259-124.htm>

**259:124 Walking Disability.** – ""Walking disability," as used in RSA 261:88, means a severe physical impairment including partial paralysis, lower limb amputation, chronic heart disease, emphysema, arthritis, rheumatism or other debilitating condition:

I. Which limits personal mobility and results in an inability to travel without the use of a wheelchair, crutch, walker, prosthetic, orthotic or other assistive device, and which is verifiable by a comparable disability rating from the Department of Veterans Affairs, Social Security Administration, or Workers' Compensation Board;

II. Caused by a cardiovascular impairment to the extent that functional limitations are rated in either class III or class IV standards as accepted by the American Heart Association; or

III. Caused by lung dysfunction to the extent that the person's forced respiratory expiratory volume in one second, as measured by spirometry, is less than one liter, or the person's arterial oxygen tension (pO<sub>2</sub>) is less than 60 mm/Hg in room air at rest.

**Source.** RSA 260:18-a, IV. 1957, 160:1. 1977, 301:1. 1978, 26:1. 1979, 36:1. 1981, 146:1. 1988, 65:1, eff. June 10, 1988.

**Section 259:1-b** <http://www.gencourt.state.nh.us/rsa/html/XXI/259/259-1-b.htm>

**259:1-b Access Aisle.** – "'Access aisle" shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether on public or private property. Access aisles shall be marked so as to discourage parking in them.

**Source.** 2003, 71:1, eff. Jan. 1, 2004.

## **CHAPTER 261 - CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES**

### **Number Plates**

**Section 261:86** <http://www.gencourt.state.nh.us/rsa/html/XXI/261/261-86.htm>

#### **261:86 Special Number Plates for Certain Veterans. –**

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a veteran who:

(a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service-connected disability. The special number plates shall incorporate the international accessibility symbol.

(b) Has been determined by the veterans administration to be suffering from total blindness as a result of a service-connected disability.

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be issued upon payment of the regular registration and number plate fees. The plates shall

be transferable upon death to the surviving spouse of the Pearl Harbor survivor. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued upon payment of the regular registration and number plate fees. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges provided for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

**Source.** 1949, 143:1. RSA 260:17. 1971, 242:1. 1973, 320:5. 1974, 45:18. 1981, 146:1. 1987, 108:1. 1995, 46:1, 2; 119:1. 1999, 291:1. 2002, 66:1; 262:2. 2003, 298:3; 2003, 299:20 eff. April 1, 2003.

**Section 261:88** <http://www.gencourt.state.nh.us/rsa/html/XXI/261/261-88.htm>

**261:88 Walking Disability Plates and Placards. –**

I. In this section:

(a) ""Removable windshield placard" means a two-sided, hanger style placard which includes on each side the international symbol of access, which is at least 3 inches in height, centered on the placard, and which is white on a blue shield, has an identification number, a date of expiration, and a seal or other identification of the department of safety.

(b) ""Temporary removable windshield placard" means a two-sided, hanger style placard which includes on each side the international symbol of access, which is at least 3 inches in height, centered on the placard, and which is white on a red shield, has an identification number, a date of expiration, and the seal or other identification of the department of safety.

(c) ""Walking disability" means a disability which limits or impairs a person's ability to walk, as determined by a licensed physician, podiatrist, or advanced registered nurse practitioner, to such an extent that such person:

(1) [Repealed.]

(2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(3) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than 1 liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; or

(4) Uses portable oxygen; or

(5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class 3 or class 4 according to standards set by the American Heart Association; or

(6) Is severely limited in the ability to walk due to an arthritic, neurological, orthopedic, or other medically debilitating condition.

II. The director shall design and issue, with the approval of the commissioner, special number plates which shall incorporate the international accessibility symbol. The director shall make such plates available as an optional number plate to be used on a motor vehicle:

(a) Owned by a person with a walking disability.

(b) Owned by an organization in this state and primarily used to transport persons with walking disabilities.

(c) Owned by a relative of a person with a walking disability when such person is a

resident of this state, member of the relative's household, and dependent on the owner of the motor vehicle as the person's primary means of transportation.

II-a. A person with a walking disability may receive separate special number plates for each motorcycle owned by the person.

III. An applicant for such special plates shall furnish the director with satisfactory proof, as the director may require, that the applicant meets the requirements of paragraph II. Such proof must be submitted every 5 years except in the case of a veteran who has been evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from service-connected disability. Such proof shall only have to be made upon initial application. Satisfactory proof of a walking disability, at a minimum, shall consist of the certification of a licensed physician, podiatrist, or advanced registered nurse practitioner that the applicant has a walking disability, as defined in paragraph I. Upon request and for a fee of \$1.50 per plate, the director shall exchange special plates for regular plates currently issued to an applicant who qualifies for special plates.

IV. The director shall design and issue, with approval of the commissioner, vanity number plates to be used on motor vehicles owned by persons qualified to receive special number plates under paragraph II. The vanity number plate shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, provided that the plates shall incorporate the international accessibility symbol and there shall be no duplication of identification. The vanity number plate shall be issued only upon application, approval, and upon payment of the special fee established in RSA 261:89. All special fees collected under this section shall be distributed as set forth in RSA 261:89.

V. Upon application, the department shall furnish a hanging windshield placard without charge to a person with a walking disability who satisfactorily furnishes proof of such disability to the director. Any nonprofit agency serving a person with a walking disability may apply to the department for a hanging windshield placard. An applicant for such placard shall furnish the director with satisfactory proof, as the director may require, that the applicant will use the placard solely for the transportation of a person with a walking disability. The quantity of placards issued under this paragraph shall be at the discretion of the director. This placard shall meet the standards set forth in 23 C.F.R. part 1235, appendix A. The removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. A request from any nonprofit agency for a placard shall be approved by the administrator of the nonprofit agency and any other application for such a placard shall be accompanied by the certification of a licensed physician, podiatrist, or advanced registered nurse practitioner that the applicant has a walking disability as defined in paragraph I. The placard shall expire 5 years from the date of issuance, and the expiration date shall be noted on the placard. The placard shall be renewed, upon application on forms provided by the director, if the director determines that the disability which necessitated the issuance of the placard continues. Upon request of the applicant, the director shall issue one additional placard to the applicant if the applicant does not have special license plates.

VI. Upon the application of a person with a temporary walking disability, the director shall issue a temporary removable windshield placard. The placard shall comply with the standards set forth in 23 C.F.R. part 1235, appendix B. The temporary removable windshield placard shall be displayed in such a manner that it may be viewed from the front and the rear of the vehicle by hanging it from the front windshield rearview mirror

of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. Upon request, the director shall issue one additional temporary removable windshield placard to applicants. Application for a temporary removable windshield placard shall be accompanied by the certification of a licensed physician, podiatrist, or advanced registered nurse practitioner that the applicant has a walking disability as defined in paragraph I. The certification shall also include the period of time that the physician, podiatrist, or advanced registered nurse practitioner determines the applicant will have the disability, which period of time shall not exceed 6 months. The expiration date of the temporary placard shall be noted on the placard.

VII. The issuance of special plates shall not preclude the issuance of a hanging placard.

VIII. Any person who finds or has reason to believe that such special plates or placards are being improperly used may report any such violation to the department. Any police officer of a city or town who finds that such special plate or placard is being improperly used shall report such violation to the department. The director may, at his or her discretion, revoke such special plate or placard for violation of any provision or law related to the use of special plates or placards.

IX. The state of New Hampshire shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which have been issued by issuing authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with walking disabilities.

X. Special license plates, removable windshield placards, or temporary removable windshield placards displaying the international symbol of access shall be the only recognized means of identifying vehicles permitted to utilize parking spaces reserved for persons with walking disabilities.

XI. The commissioner shall appoint an advisory committee to review complaints regarding such special plates or placards, to review applications for such plates or placards, to hear appeals of denials of such plates or placards, and to otherwise advise the commissioner on matters related to the administration of this section.

**Source.** RSA 260:18-a. 1957, 160:1. 1977, 301:1; 525:1. 1978, 26:1. 1979, 36:1; 417:1-3. 1981, 146:1; 479:59, 61. 1982, 39:10; 42:210. 1985, 109:1. 1988, 65:2. 1989, 316:1. 1992, 282:2. 1993, 268:1. 1994, 399:4. 1998, 369:1-4. 1999, 41:1. 2003, 15:1, 2, eff. June 21, 2003. 2004, 26:1, eff. June 11, 2004. 2006, 317:9, eff. Aug. 18, 2006. 2007, 180:1, eff. Aug. 17, 2007.

## **Municipal Permits for Registration**

**Section 261:157** <http://www.gencourt.state.nh.us/rsa/html/XXI/261/261-157.htm>

**261:157 Exemption of Amputee and Other Disabled Veterans.** – No fee shall be charged for a permit to register a motor vehicle owned by a veteran of World War I or II, the Korean conflict, or the Vietnam conflict who because of being an amputee, paraplegic or having suffered loss or use of a limb from a service connected cause, as certified by the United States Department of Veterans Affairs, has received said vehicle from the United States government or cash settlement in lieu thereof; or because of a disability incurred in, or aggravated by such service, and upon satisfactory proof that the veteran is evaluated by the United States Department of Veterans Affairs to be totally and permanently disabled from such service-connected disability.

**Source.** 1947, 107:1. RSA 260:28. 1970, 42:1. 1973, 320:1. 1974, 45:14. 1981, 146:1, eff. Jan. 1, 1982.

## **CHAPTER 265 - RULES OF THE ROAD**

### **Pedestrians' Rights and Duties**

**Section 265:41** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-41-a.htm>

**265:41-a Approaching a Hearing Ear Dog.** – The driver of a vehicle approaching a deaf or hearing impaired person using a properly identified hearing ear dog shall take all necessary precautions to avoid injury to that person, and any driver who fails to take such precautions shall be liable in damages for any injury caused to that person.

**Source.** 1983, 275:3, eff. Aug. 17, 1983.

### **Stopping, Standing or Parking**

**Section 265:69** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-69.htm>

**265:69 Stopping, Standing or Parking Prohibited in Specified Places.** – Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

I. Stop, stand or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a way or within a highway tunnel;

(h) On any railroad tracks;

(i) At any place where official signs prohibit stopping;

(j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88, and the person who qualifies for the plate or placard is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$250;

(k) On any controlled access highway;

(l) In the area between roadways of a divided highway, including crossovers;

(m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this

subparagraph shall be fined a minimum of \$50 for a first offense and a minimum of \$100 for each subsequent offense.

II. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(f) At any place where official signs prohibit standing.

III. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official signs prohibit parking. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful. **Source.** RSA 262-A:71. 1963, 330:1. 1981, 146:1; 284:2, 3; 479:43, 44. 1988, 65:3. 2003, 71:2, eff. Jan. 1, 2004.

**Section 265:69-a** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-69-a.htm>

**Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons With a Walking Disability. –**

Testimony under oath with clear photographic evidence from a person with a walking disability pursuant to RSA 261:86 or RSA 261:88 or the driver of a vehicle transporting such a person that a vehicle that does not display a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88 was parked in a designated parking space for persons with a walking disability or any vehicle parked in or overlapping into an access aisle shall be sufficient evidence to prove that the owner of the vehicle has violated RSA 265:69, I(j) or (m), unless such evidence is rebutted or contradicted.

**Source.** 2003, 71:3, eff. Jan. 1, 2004.

**Section 265:70** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-70.htm>

**265:70 Local Ordinances not Superseded.** – The provisions of RSA 265:69 shall not supersede the provisions of any local ordinance which has been adopted to regulate parking in restricted areas in the compact part of any city or town.

**Source.** RSA 262-A:71-a. 1971, 127:1. 1981, 146:1, eff. Jan. 1, 1982.

**Section 265:71** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-71.htm>

**265:71 Additional Parking Regulations. –**

I. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand curb, or if upon a roadway where there are no curbs said vehicle shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand side of the traveled portion of the way.



II. Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

III. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state way unless authorized by the commissioner of transportation.

IV. The commissioner of transportation with respect to ways under his jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any way where in his opinion such stopping, standing or parking is dangerous to those using the way or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

**Source.** RSA 262-A:72. 1963, 330:1. 1967, 342:1. 1981, 146:1, eff. Jan. 1, 1982.

**Section 265:72** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-72.htm>

**265:72 Unattended Vehicle. –**

I. No person driving or in charge of a vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the way, unless such vehicle has been started by remote control car starter.

II. No person shall start a vehicle by remote control unless the doors of the vehicle are locked; the doors shall remain locked until the operator arrives at the vehicle.

**Source.** 1921, 119:11. PL 103:15. RL 119:24. RSA 263:47. 1963, 330:1. RSA 262-A:73. 1981, 146:1, eff. Jan. 1, 1982. 1997, 314:6, eff. Jan. 1, 1998.

**Section 265:73** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-73.htm>

**265:73 Free Parking for Disabled and for Official Purposes. –** Any motor vehicle carrying special number plates issued to paraplegic, amputee or blind war veterans pursuant to RSA 261:86 and 87, and any motor vehicle used for a purpose, or by a person, designated by a city council or town meeting, shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner. The provisions of this section shall apply to a veteran who suffers a disability incurred in or aggravated by such service, upon satisfactory proof that the veteran has been evaluated by the United States department of veterans affairs to be permanently and totally disabled from such service connected disability.

**Source.** 1949, 143:1, par. 12-b. RSA 249:4. 1971, 305:1. 1973, 320:4; 374:1. 1974, 45:17. 1981, 146:1, eff. Jan. 1, 1982.

**Section 265:73-a** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-73-a.htm>

**265:73-a Parking Signs; Disabled. –** A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post



or a building. Said sign shall be clearly visible to anyone directly approaching that particular space.

**Source.** 1983, 50:1. 1990, 140:2, X, eff. June 18, 1990.

**Section 265:74** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-74.htm>

**265:74 Parking Privileges for Persons With Walking Disability.** – Any motor vehicle carrying the special plates or hanging windshield placard issued to a person with a walking disability under RSA 261:88, or a similar license plate displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged. Each city or town shall have the discretion to set the time periods using guidelines which shall be provided by the governor's commission on disability. The free parking shall only be allowed if the person who qualifies for the special plates or hanging placard is being transported in the vehicle to or from the parking place. Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place.

Notwithstanding the provisions of any local ordinance which has been adopted to regulate parking in places designated for persons with walking disabilities, any person who is convicted under this section shall be guilty of a violation and fined not less than \$250.

**Source.** RSA 249:4-a. 1957, 160:2. 1977, 301:2. 1978, 26:2. 1979, 417:4. 1981, 146:1. 1988, 65:4. 1993, 268:2. 1995, 16:1, eff. June 11, 1995. 1998, 266:1, eff. Jan. 1, 1999.

**Section 265:74-a** <http://www.gencourt.state.nh.us/rsa/html/XXI/265/265-74-a.htm>

**265:74-a Obstruction of Parking Place for Persons With Walking Disability.** –

I. No property owner shall:

(a) Allow any unreasonable obstruction of any parking place, or access aisle reserved for a person with a walking disability after 24 hours following the conclusion of an adverse weather event.

(b) Allow the accumulation of debris or large objects, such as trash containers, to unreasonably obstruct any parking place or access aisles reserved for a person with a walking disability without providing suitable on-site, equivalent, alternative parking spaces.

II. Paragraph I shall apply to both public and private property where a parking place or access aisle is specifically designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol.

III. Any property owner who violates this section shall be guilty of a violation and fined up to \$250.

**Source.** 2008, 304:1, eff. Jan. 1, 2009.

## **CHAPTER 266 - EQUIPMENT OF VEHICLES**

### **Miscellaneous**

**Section 266:61-a** <http://www.gencourt.state.nh.us/rsa/html/XXI/266/266-61-a.htm>

**266:61-a Equipment Waiver for Disabled. –**

I. Any person with a disability who is inconvenienced by any provision of this title requiring or prohibiting the use of certain equipment on a motor vehicle may apply to the department for a waiver of said provision.

II. Within 20 days of receiving such application, the commissioner or his designee shall respond to the applicant either granting the waiver or denying it.

III. In deciding whether or not to grant the waiver, the commissioner or his designee shall balance the inconvenience to the applicant against the importance of the provision sought to be waived and the safety of the general public. The commissioner or his designee may require an inspection or demonstration or both of the modified or new equipment which the applicant seeks to use. For the purposes of such investigation or demonstration the commissioner or his designee may grant a temporary waiver.

IV. If the application is denied, the commissioner or his designee shall state in writing the reasons for the denial. Any person whose application has been denied shall have the right to appeal pursuant to RSA 541.

V. If the waiver is granted, the department shall issue an equipment permit to the applicant. Such permit shall be kept in the vehicle while the equipment for which the waiver was sought is being used.

VI. The commissioner or his designee may attach whatever conditions he deems necessary to the granting of the waiver. Such conditions shall be noted on the permit.

VII. The waiver granted by the commissioner or his designee shall be for a period not to exceed 2 years. The applicant may reapply for the waiver before such period expires.

VIII. The commissioner shall have the authority to adopt rules pursuant to RSA 541-A relative to:

- (a) The information to be contained on the application for a waiver;
- (b) The information to be contained on the permit;
- (c) The standards used to determine whether or not to grant the waiver; and
- (d) Restrictions on the use or operation of the motor vehicle and the documentation of such restrictions on the permit.

IX. The commissioner may waive the requirements of RSA 266:58-a and issue a special permit to a person who for bona fide medical reasons requires after market tinting on the windshield or on the windows to the left and right of the driver and who applies for such permit. Such waiver shall be granted in accordance with this section and shall only authorize the use of after market tinted windows with a light transmittance of not less than 35 percent. In reviewing the application for a permit under this paragraph, the commissioner may seek the advice and recommendation of a medical review board designated by him for such purpose.

**Source.** 1981, 292:2. 1990, 44:2, 3, eff. May 22, 1990; 140:2, II, X, eff. June 18, 1990.

## **TITLE XX - TRANSPORTATION**

### **CHAPTER 231 - CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS**

#### **Public Parking Facilities**

**Section 231:115** <http://www.gencourt.state.nh.us/rsa/html/XX/231/231-115.htm>

**231:115 Definitions.** – Terms used in this subdivision shall have the meanings set forth below, unless a different meaning is clearly apparent from the language or context,

or is otherwise inconsistent with the manifest intention of this subdivision:

I. "Public parking facilities" shall mean any lots, garages, parking terminals and other structures of one or more levels, facilities and accommodations for the parking of motor vehicles off the street or highway and open to public use with or without charge and all facilities appurtenant thereto including ancillary waiting rooms, lockers, space for concessions, stores, and offices, terminal facilities for trucks and buses, facilities for the servicing of motor vehicles and for the sale of gasoline, oil and other accessories; and said term shall include structures over or under other structures which other structures may be owned by or leased to a person or corporation and used in whole or part for other than municipal purposes; and said term shall also include streets and ways constructed for access to or egress from such public parking facilities.

II. "Cost of construction" shall mean and include the purchase price of any public parking facility, the cost of construction, the cost of all labor, materials, machinery and equipment, the cost of improvements, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction administrative expense and such other expenses as may be necessary or incident to the financing herein authorized.

III. "Operating expenses" shall mean and include any costs related to the maintenance, operation and repair of public parking facilities and shall include, without limiting the generality of the foregoing, ordinary and usual expenses of maintenance and repair, engineering expenses relating to operation, maintenance and repair, insurance premiums after completion of construction, administrative and legal expenses after such completion and the reasonable cost of policing public parking facilities.

IV. "Municipality" or "municipalities" shall include any city or town in the state.

V. "Legislative body" shall mean the town meeting in towns and the mayor and aldermen in cities.

VI. "Governing board" shall mean the selectmen in towns and the mayor and aldermen in cities.

**Source.** RSA 252-A:2. 1969, 493:1. 1971, 512:10. 1981, 87:1. 1993, 169:2, eff. July 23, 1993.

**Section 231:130-a** <http://www.gencourt.state.nh.us/rsa/html/XX/231/231-130-a.htm>

**231:130-a Notification of Unpaid Fines. –**

I. The legislative body of any municipality may adopt the provisions of this section. Each municipality which does so shall:

(a) Maintain a record in the office of the town or city clerk which shall contain a listing of all residents of such municipality who have outstanding parking violations incurred in municipalities which have adopted the provisions of this section.

(b) Notify the town or city clerk of any other municipality which has adopted the provisions of this section of any outstanding parking violations incurred by residents of such municipality within the limits of the notifying municipality.

(c) Notify the town or city clerk of any municipality which has adopted the provisions of this section of the payment of any outstanding parking violations incurred by residents of such municipality within the limits of the notifying municipality. Such action shall be taken within 10 days of the payment of the outstanding violation.

II. The town or city clerk of each municipality which has adopted the provisions of this

section shall update and keep readily available the records required by RSA 231:130-a, I(a), in order that such records may be consulted at such time as residents of such municipalities apply for permits for the registration of motor vehicles pursuant to RSA 261:148.

**Source.** 1987, 253:2, eff. July 17, 1987.

## **Parking Meters**

**Section 231:132-a** <http://www.gencourt.state.nh.us/rsa/html/XX/231/231-132-a.htm>

**231:132-a Parking Enforcement Provisions.** – Notwithstanding any other provision of law, a municipality which installs parking meters pursuant to RSA 231:130, or which establishes other parking restrictions pursuant to RSA 41:11 or 47:17, or which seeks to enforce the stopping, standing and parking restrictions set forth in RSA 265:68-74, may utilize the following provisions in the enforcement of such parking restrictions and parking charges established through parking meters:

I. All violations of such parking restrictions and charges shall be deemed the responsibility of the registered owner of the vehicle. Such registration may be proven as set forth in RSA 261:60. Such registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability need be proved as an element of the offense. It shall be an affirmative defense that at the time of the infraction the vehicle was beyond the control of the registered owner as a result of a violation of RSA 262:12, 637:3 or 637:9 or a similar statute in another jurisdiction.

II. Municipalities may establish, by ordinance, systems for the administrative enforcement of parking violations and collection of penalties, to be utilized prior to the service of a formal summons and complaint. Such a system may be administered by a police department or other municipal agency. Such a system may include opportunities for persons who do not wish to contest parking violations to pay such penalties by mail. Such a system may also provide for a schedule of enhanced penalties the longer such penalties remain unpaid; provided, however, that the penalty for any separate parking offense shall in no case exceed the maximum penalty for a violation as set forth in RSA 651:2.

III. A written notice of violation containing a description of the parking offense and any applicable schedule of penalties, affixed to the vehicle at the time of the offense, shall be deemed adequate service of process on the vehicle owner for purposes of any administrative enforcement system established under paragraph II.

IV. If the administrative enforcement system established under paragraph II is unsuccessful at resolving alleged parking violations, or in the case of municipalities which have not established such a system, a summons may be issued as in the case of other violations of RSA title XXI, including the use of the procedure for plea by mail set forth in RSA 502-A:19-b. Notwithstanding any other provision of law, a complaint and summons for a parking offense may be served upon the defendant by postpaid certified mail, return receipt requested. Return receipt showing that the defendant has received the complaint and summons shall constitute an essential part of the service. If service cannot be effected by certified mail, then the court may direct that service on the defendant be completed as in other violation complaints.

**Source.** 1993, 339:1, eff. Aug. 30, 1993.

## **TITLE III - TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

### **CHAPTER 47 - POWERS OF CITY COUNCILS**

#### **Bylaws and Ordinances**

**Section 47:17** <http://www.gencourt.state.nh.us/rsa/html/III/47/47-17.htm>

**47:17 Bylaws and Ordinances.** – The city councils shall have power to make all such salutary and needful bylaws as towns and the police officers of towns and engineers or firewards by law have power to make and to annex penalties, not exceeding \$1,000, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and bylaws for the following purposes:

I. IN GENERAL. To carry into effect all the powers by law vested in the city.

II. ORDER AND POLICE DUTY. To regulate the police of the city; to prevent any riot, noise, disturbance, or disorderly assemblages; to regulate the ringing of bells, blowing of horns or bugles, and crying goods and other things; and to prescribe the powers and duties of police officers and watchmen.

III. DISORDERLY HOUSES AND GAMING. To suppress and restrain disorderly houses and houses of ill-fame, gambling houses and places, billiard tables, nine or ten pin alleys or tables and ball alleys, and all playing of cards, dice or other games of chance; to restrain and prohibit all descriptions of gaming and fraudulent devices; and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

IV. SALE OF LIQUOR. To establish regulations for groceries, stores, restaurants, and places of public amusement; to authorize the entry of proper officers into all such places to inspect the same, and the seizure and forfeiture of all liquors and the instruments used or designed to be used in the manufacture or sale of the same, in violation of law.

V. SHOWS. To regulate or prohibit the exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, or other shows.

VI. PORTERS, VEHICLES, ETC. To license and regulate porters, cartmen and cartage, runners for boats, stages, cars, and public houses, hackney coaches, cabs, and carriages, and their drivers; the care and conduct of all animals, carriages, and teams, standing or moving in the streets; to prevent horse-racing and immoderate riding or driving in streets and on bridges; and to prevent cruelty to animals.

VII. USE OF PUBLIC WAYS. To regulate all streets and public ways, wharves, docks, and squares, and the use thereof, and the placing or leaving therein any carriages, sleds, boxes, lumber, wood, or any articles or materials, and the deposit of any waste or other thing whatever; the removal of any manure or other material therefrom; the erection of posts, signs, steps, public telephones, telephone booths, and other appurtenances thereto, or awnings; the digging up the ground by traffic thereon or in any other manner, or any other act by which the public travel may be incommoded or the city subjected to expense thereby; the securing by railings or otherwise any well, cellar, or other dangerous place in or near the line of any street; to prohibit the rolling of hoops, playing at ball or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets and sidewalks, or to frighten teams of horses within the same; and to compel persons to keep the snow, ice, and dirt from the sidewalks in front of the premises owned or occupied by them.

## VIII. TRAFFIC DEVICES AND SIGNALS.

(a) To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to regulate the use of class IV highways within the compact limits and class V highways by establishing stop intersections, by erecting stop signs, yield right of way signs, traffic signals and all other traffic control devices on those highways over which the city council has jurisdiction. The erection, removal and maintenance of all such devices shall conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices.

(b) The commissioner of transportation shall only approve the installation and modification of traffic signals as to type, size, installation, and method of operation.

IX. COMBUSTIBLES. To regulate the keeping, conveying and places of deposit of gunpowder and other combustible and dangerous materials; the use of candles, lights, and matches in barns, stables, and other buildings containing combustible and dangerous materials; to regulate the erection or use of buildings within the most compact part of the city, for any purpose which in the opinion of the city councils shall more immediately expose said city to destruction by fire, and to define the limits of such compact part.

X. STOCK AT LARGE. To regulate, restrain, or prohibit the keeping or running at large of horses, cattle, sheep, swine, geese, goats and other poultry and animals, or any of them, to create the limits of districts within which the same may be kept and the conditions and restrictions under which they may be kept.

XI. DOGS. To regulate the keeping of dogs and their running at large, require them to be licensed, and authorize the destruction of those kept or running at large contrary to the ordinance.

XII. MARKETS, SALES. To establish markets and market-places; regulate the place and manner of selling and weighing hay, selling pickled and other fish, and salted and fresh provisions; selling and measuring wood, lime, coal, and other heavy articles; and to appoint suitable persons to superintend and conduct the same; to prevent and punish forestalling and regrating; and to restrain every kind of fraudulent device and practice.

XIII. VAGRANTS, OBSCENE CONDUCT. To restrain and punish vagrants, mendicants, street beggars, strolling musicians, and common prostitutes, and all kinds of immoral and obscene conduct, and to regulate the times and places of bathing and swimming in the canals, rivers and other waters of the city, and the clothing to be worn by bathers and swimmers.

XIV. NUISANCES. To abate and remove nuisances; to regulate the location and construction of slaughterhouses, tallow chandlers' shops, soap factories, tanneries, stables, barns, privies, sewers, and other unwholesome or nauseous buildings or places, and the abatement, removal or purification of the same by the owner or occupant; to prohibit any person from bringing, depositing, or having within the city any dead carcass or other unwholesome substance; to provide for the removal or destruction, by any person who shall have the same upon or near such person's premises, of any such substance, or any putrid or unsound beef, pork, fish, hides, or skins, and, on such person's default, to authorize the removal or destruction thereof by some officer of the city; to authorize and provide for the collection, removal, and destruction of garbage and other waste material, to make necessary regulations relative thereto, and to provide for payment therefor by assessment, or appropriation, or both.

XIV-a. INTERFERING WITH VOTERS. To regulate the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election held for any purpose in such city. Such power shall not extend to the display of printed or written matter attached to any legally parked motor vehicle, nor



shall such power extend to activities conducted wholly on private property so as not to interfere with people approaching or entering a polling place.

XIV-b. LOCAL ELECTION REPORTING REQUIREMENTS. Requiring the reporting of contributions to, and expenditures by, any candidate or political committee made for the purpose of influencing the election of any candidate for local elective office, or any person or committee for the purpose of influencing the vote on any local ballot or referendum question.

XV. MISCELLANEOUS. Relative to the grade of streets, and the grade and width of sidewalks; to the laying out and regulating public squares and walks, commons, and other public grounds, public lights, and lamps; to trees planted for shade, ornament, convenience, or use, and the fruit of the same; to trespasses committed on public buildings and other public property, and in private yards and gardens; in relation to cemeteries, public burial grounds, the burial of the dead, and the returning and keeping records thereof, and bills of mortality, and the duties of physicians, sextons and others in relation thereto; relative to public wells, cisterns, pumps, conduits, and reservoirs; the places of military parade and rendezvous, and the marching of military companies with music in the streets of the city; relative to precautions against fire; relative to oaths and bonds of city officers, and penalties upon those elected to such offices refusing to serve; and relative to licensing and regulating butchers, petty grocers, or hucksters, peddlers, hawkers, and common victualers; dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles, and pawnbrokers; under such limitations and restrictions as to them shall appear necessary. They may make any other bylaws and regulations which may seem for the well-being of the city; but no bylaw or ordinance shall be repugnant to the constitution or laws of the state; and such bylaws and ordinances shall take effect and be in force from the time therein limited, without the sanction or confirmation of any other authority whatever.

XVI. WARNINGS AND CITATIONS. To establish a procedure for the issuance of warnings and citations for the violation of health, fire, planning board, building, licensing, zoning, and housing codes and ordinances.

XVII. DRUG-FREE ZONES. Establish as a drug-free zone any area inclusive of public housing authority property and within 1,000 feet of such public housing authority property. If such drug-free zones are established, the municipality shall publish a map clearly indicating the boundaries of such drug-free zone, which shall be posted in a prominent place in the district or municipal court of jurisdiction, the local police department, and on the public housing authority property. The municipality shall also develop signs or markings for the drug-free zone which shall:

(a) Be posted in one or more prominent places in or near the public housing authority property; and

(b) Indicate that the posted area is a drug-free zone which extends to 1,000 feet surrounding such property; and

(c) Warn that a person who violates RSA 318-B, the controlled drug act, within the drug-free zone, shall be subject to severe criminal penalties under RSA 318-B and a penalty of up to \$1,000 under this paragraph.

XVIII. **AUTOMOBILE PARKING CONTROLS**. The city councils shall have the authority to adopt such bylaws and ordinances as are necessary to control the parking, standing and stopping of automobiles within the city limits, including ordinances allowing for the towing or immobilization of automobiles for nonpayment of parking fines and creating parking fines recoverable by means of civil process.

XIX. BUSINESSES OBTAINING CITY PERMITS. To establish regulations relative to businesses obtaining city permits.



**Source.** 1846, 384:17. GS 44:11. GL 48:10. PS 50:10. 1905, 10:1. 1907, 35:1. 1915, 55:1; 98:1. 1923, 15:1. PL 54:12. 1935, 117:2. 1941, 35:1. RL 66:13. RSA 47:17. 1961, 26:1. 1971, 512:9. 1981, 298:2. 1983, 166:2. 1986, 102:1. 1991, 74:1; 364:7. 1993, 183:1. 1996, 268:1, 5, eff. Aug. 9, 1996. 2006, 202:1, eff. July 30, 2006. 2007, 43:2, eff. July 20, 2007.